

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF WISCONSIN

CORRINE WIESMUELLER,

Plaintiffs,

v.

JOHN KOSOBUCKI, CHARLES H. CONSTANTINE,
JAMES A. MORRISON, MARK J. BAKER,
THOMAS M. BOYKOFF, STEVEN T. CLARK,
LINDA F. HOSKINS, JAMES L. HUSTON,
MARY BETH KEPPEL, JOHN PRAY,
SHIRLEY ABRAHAMSON, ANN WALSH BRADLEY,
N. PATRICK CROOKS, DAVID PROSSER,
PATIENCE D. ROGGENSACK, MICHAEL GABLEMAN,
DANIEL D. BLINKA, KURT D. DYKSTRA
and ANNETTE K. ZIEGLER,

Defendants.

ORDER

07-cv-211-bbc

Defendants have moved to dismiss the complaint as to each of the defendants who is a member of the Board of Bar Examiners: John Kosobucki, Charles H. Constantine, James A. Morrison, Mark J. Baker, Thomas M. Boykoff, Steven T. Clark, Linda F. Hoskins, James L. Huston, Mary Beth Keppel and John Pray. In addition, defendants ask that the caption be amended to reflect that defendants are sued in their official capacities only.

Plaintiff does not oppose the second request, so I will amend the caption accordingly. Defendants' motion to dismiss will be denied as premature. Defendants argue that the board members have no authority to provide plaintiff with her requested relief, but this is a matter better resolved in the context of a motion for summary judgment.

In the interim, the parties agree that A. John Voelker should be substituted for defendant John Kosobucki, and James Kotter should be substituted for defendant Steven T. Clark because Kosobucki and Clark are no longer members of the board.

ORDER

IT IS ORDERED that defendants' motion to dismiss the complaint as to the members of the Board of Bar Examiners, dkt. #99, is DENIED as premature. The caption is AMENDED to reflect that defendants are being sued in their official capacities only and A. John Voelker and James Kotter are SUBSTITUTED for defendants John Kosobucki and Steven T. Clark.

Entered this 28th day of December, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge